

REMARKS/DISCUSSION:

This Amendment B is being filed within two months after the shortened statutory period for response that ended on September 5, 2007. Accordingly, a Petition for a Two-Month Extension of Time is made a part of the electronic filing of this Amendment B. Further, this Amendment B is accompanied by an RCE being filed for this pending application.

By this Amendment B, claims 1-2 and 4-8 are pending in this application. Claims 1 and 5 have been amended. Support for the amendment can be found at paragraph [0042] and Fig. 1.

Amendment and/or cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicants have carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 102(e)

Claims 1, 2 and 4-7 stand rejected as being anticipated by each of U.S. Patent No. 6,746,402 to Ustuner.

Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim, and the elements must be arranged as required by the claim. Under this standard, Applicants submit

that the above reference fails to anticipate amended independent claims 1 and 5.

Ustuner fails to disclose or suggest a control unit for *controlling* the ultrasonic transducer and further configured for mounting on the user.

Claims 2 and 4 depend from claim 1 and claims 6 and 7 depend from claim 5. Applicants submit that these claims are likewise patentable over the cited references for at least the same reasons as discussed above with respect to claim, by virtue of their dependency from claims 1 or 5. Withdrawal of the rejections as to these claims is likewise requested.

Rejection under 35 U.S.C. § 103(a)

Claims 8 stand rejected as being unpatentable over Ustuner in view of Seward (7,037,270). Claim 8 depends from claim 5 and is therefore patentable by virtue of its dependency upon claim 5.

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Conclusion

Applicants submit that in view of the discussion, the rejections under 35 U.S.C. §§ 102(e) and 103(a) have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5015USNP/VEK.

Respectfully submitted,

Verne E. Kreger, Jr., Reg. #35231/
Verne E. Kreger, Jr.

Verne E. Kreger, Jr.
Attorney for the Applicant(s)
Reg. No. 35,231

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
513 337-3295
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